



**Tennessee Board of Medical Examiners’  
Committee on Acupuncturist  
Regular Board Meeting**

**August 15, 2022**

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**MINUTES**

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The regular meeting of the Tennessee Board of Medical Examiners’ Committee on Acupuncturist (hereinafter, “the Committee”) was called to order at 10:06 a.m. in the Iris Room, Ground Floor, Metro Center Complex, 665 Mainstream Drive, Nashville, Tennessee 37243.

Members Present:

Manda Colburn, Acupuncturist

Bruce Roff, Acupuncturist

Alexa Hulsey, Acupuncturist

Staff Present:

Stacy Tarr, Executive Director

Candyce Wilson, Administrative Director

Rene Saunders, MD Consultant

Mark Waters, Board Attorney

## **Approval of Minutes**

Mr. Roff made a motion to accept the February 14, 2022, meeting minutes. Ms. Colburn seconded the motion, and it passed.

## **Conduct New Business**

### **California Licensing Procedures**

Individuals from California who want to be NCCAOM certified will be required to complete the NCCAOM exam. There was a limited time window as of December 31, 2020. During this window, they met the NCCAOM standards and aligned with our qualifications for licensure. The Committee expressed that California meets or exceeds its qualification for licensure pertaining to reciprocity. Mr. Roff made a motion to accept California as a state for reciprocity. The motion was seconded by Ms. Colburn the motion passed.

### **ADS Renewal Policy**

The Committee discussed the ADS renewal requirements. When an ADS licensee submits a renewal, they must be actively practicing. They will need to supply proof of practice from the trainer or supervisor of competency. The Committee discussed retaking the CNT (clean needle technique); however, it is not required for initial licensure as an ADS. ADS are required to needle fifty people, possess forty training hours, and be certified in NADA. Once the applicant is certified, they do not need to recertify the certification.

The Committee discussed TCA 63-6-102(b)(2)(B) pertaining to acceptable locations of practice for ADS. 63-6-1006 pertaining to submitting proof of practice as determined by the Committee. Mr. Waters explained to the Committee that they could define current active practice. However, the Committee cannot overrule a statute in which the statute requires current active practice for ADS to renew within three defined locations within the statute. Mr. Roff makes a motion to create a policy statement explaining that active practice must be within six months of the renewal, and if the licensee cannot supply proof of practice, they would need to appear before the board. The motion was seconded by Colburn the motion passed.

### **Fee Reduction**

The conversation on fee reduction regarding acupuncture, specifically the renewal fee of three hundred dollars and initial application fee of seven hundred and fifty dollars. Ms. Alicia Grice informed the Committee she would present in the rule-making hearing to present current numbers. Mr. Waters explained the process of changing the rules and the fees and how long the process would be. As the Committee discussed, Mr. Roff made a motion to approve the rule change to the ACU application, which would include a seventy-five-dollar charge for the application, a twenty-five-dollar charge for the certification, and a fifty-dollar charge for the renewal. Ms. Colburn seconded the motion, and the motion passed. The Committee and administrative staff continued to discuss the fee change, ADS policy, and out-of-practice policy would all need to be included in the rule packet.

## **Ratification of Licenses**

Mr. Roff made the motion to approve all licenses. Ms. Colburn seconded the motion, and it passed.

## **Departmental Reports**

### **Office of Investigations Report presented by Roger Knowlton**

- One (1) new open complaint
- Closed three (3) complaints
- Currently (5) open complaints

### **Financial Report**

Ms. Alicia Grice, Fiscal Director for Division of Health licensure and Regulations presented a power point presentation of the FY22 Preliminary Year-End Financial Report.

The Committee asked Ms. Grice a question about using reserved funds. Ms. Grice informed the Committee that it would likely only be approved for information technology improvements. If they would like to request to use the funds, it must be submitted by July, and it would be effective the following year. Mr. Roff asked about credit for current active licenses, which it was implied that it would most likely be denied.

### **Managers' Report presented by Ms. Stacy Tarr**

Activities that have transpired between February 1, 2022, and July 31, 2022:

- New Applications Received - Acupuncture 14
- Total New Licenses Issued – Acupuncture 13
- Total New License Issued – ADS 1
- Total Number of Acupuncture Reinstatements 2
- Total Number of ADS Reinstatements 0
- Total Numbers of Renewals 49
- Total Number of Online Renewals 39 – 79%
- Total Number of Active Acupuncturists as of July 31, 2022, is 206.
- Total Number of Active ADS as of July 31, 2022, is 41

## **Legislative Report, Olivia Spears**

Ms. Olivia Spears presented numerous topics about non-health-related and health-related legislation to the board. Additionally, Ms. Olivia Spears explained multiple chapters that legislators have discussed.

## **Office Of General Counsel Report, Mark Waters**

Mr. Waters began his presentation with the conflict-of-interest statement which states each Committee member shall disclose to the Committee on a case-by-case basis, any personal relationship, interest, or dealings that impairs or impedes, or gives the appearance of impairing or impeding, his or her ability to make full, unbiased decisions on a matter. Any Committee member who has a conflict of interest as defined above must recuse himself/herself from any matter and is prohibited from participating in any discussion or vote on the matter and shall leave the hearing room during the discussion or vote. It is improper for any Committee member having a conflict of interest to attempt to influence another Committee member at any time, including prior to the discussion on the matter for which the conflict exists. Mr. Water goes to explain as of August 2, 2022, the Office of General Counsel has one open case against a licensee. Lastly Mr. Waters explains to the Committee that they will also need to review its rules in effect on July 1, 2023, and report, pursuant to Tenn. Code Ann. §4-5-213, to the chairs of the Senate and House Government Operations Committees, among other things, whether the Committee's rules should be amended, repealed, continued in effect without amendment, or reviewed further. This initial report is due by December 1, 2023. Subsequent reports will be due every eight years.

## **Consent Order**

**Ning Wang, Acupuncturist-** Ning Wang was not present at the meeting; however, the consent order revolves around the respondent asking a patient to remove her shirt and the respondent making inappropriate comments during the treatment. Additionally, respondent was practicing on a lapsed license from July 2020 to November 2021. Respondent agreed to have his license to practice Acupuncture in Tennessee placed on probation for a period of not less than twelve (12) months. The respondent must follow the terms and conditions present when he signed the consent order. Mr. Roff made a motion to accept the respondent's consent order. Ms. Colburn seconded the motion. The motion passed.

## **Agreed Citation**

**Brandy J. Lynn, Acupuncturist -**Ms. Lynn failed to obtain required continuing education credits and agreed to pay a civil penalty of One Hundred and Sixty Dollars (\$160.00). Mr. Roff motioned to accept the citation and Ms. Colburn seconded the motion. The motion passed.

**Shirim Sohrabi, Acupuncturist-** Shiran Sohrabi failed to obtain required continuing education credits and agreed to pay a civil penalty of Two Hundred and Forty Dollars (\$240.00). Mr. Roff motioned to accept the citation and Ms. Colburn seconded the motion. The motion passed.

### **Public Comments**

Rebecca Knouse's comment revolved around a clinic where employees received NADA. Discussion of how ADS is restrictive was discussed, and Acupuncture assistants. Ms. Hulseley explained the scope of practices as well as legislative changes. Lastly, Ms. Hulseley brought to the attention that there needed to be a public member on the Committee and discussed the process to get that seat filled.

### **Adjourn**

The meeting adjourned at 12:30 p.m.